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Notice of Allowability

Application No.

10/619,255

Examiner

Eric M. Blount

Applicant(s)

MARSHALL ET AL.

Art Unit

2636

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment filed 3/17/05.
2. ☒ The allowed claim(s) is/are 1-21,23-37,39 and 40.
3. ☒ The drawings filed on 14 July 2003 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date 03172005
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date 7-28-05
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Robert Marshall on July 28, 2005.

The application has been amended as follows:

- a. Please amend pages 10 and 11 of the specification as indicated on the attachments.
- b. In claims 1-40 of amended claims submitted 3/17/05, please present claim numbers before status identifiers.
- c. In **claim 20**, line 5, following the word "point," please insert - - where the means of anchoring said cable to said structure includes one or more spindle means - -.
- d. **Claims 22 and 38** are cancelled.
- e. In **claim 23**, please replace the number 22 with the number 20.
- f. In **claim 24**, please replace the number 22 with the number 20.
- g. In **claim 25**, please replace the number 22 with the number 20.
- h. In **claim 27**, please replace the number 22 with the number 20.
- i. In **claim 33**, following the word "structure" on the last line, please add - - at multiple points along said structure. —

- j. In **claim 33**, please insert the word - - of - - between the words "indication" and "said" on line 5.

Allowable Subject Matter

2. Claims 1-21, 23-37, and 39-40 are allowed. The following is an examiner's statement of reasons for allowance:

As for **claims 1-15**, the prior art of record fails to sufficiently describe or suggest a system for detecting a structure failure wherein a set of one or more spindles anchor a cable to the structure at intervals to ensure a break of the cable upon failure of the cable. These along with further limitations set forth, render claims 1-15 allowable over the prior art of record.

Regarding **claims 16-19**, there is no prior art that describes or suggests a system for detecting structural failure comprising a fiber optic cable coupled to the structure and a multitude of alarm indicator controllers and indicators. At least one of the controllers is located in the housing of at least one indicator. These along with further limitations set forth by the claims render claims 16-19 allowable over the prior art of record.

As for **claims 20-21 and 23-32**, the prior art of record fails to describe or suggest a system for detecting structure failure comprising a spindle means for anchoring a fiber optic cable to the structure and preventing the cable from slipping. These along with further limitations, render the claims allowable over the prior art.

Regarding **claims 33-37 and 39-40**, the prior art of record fails to sufficiently describe or suggest a method for detecting a structural failure comprising attaching a fiber optic cable to the structure so that it does not slip past fixed points. If the fiber optic cable breaks, an indication of a structural failure will be provided at multiple points along the entirety of the structure. These along with further limitations set forth by the claims render the claims allowable over the prior art of record.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric M. Blount whose telephone number is (571) 272-2973. The examiner can normally be reached on 8:00 am - 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Hofsass can be reached on (571) 272-2981. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Eric M. Blount
Examiner
Art Unit 2636



BRENT A. SWARTHOUT
PRIMARY EXAMINER
